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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/743,339	12/22/2003	Ronald Zver	2002P20644US01	4710

7590 05/11/2007
Michael J. Wallace
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EXAMINER

PARRIES, DRU M

ART UNIT	PAPER NUMBER
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2836

MAIL DATE	DELIVERY MODE
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05/11/2007

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

T17

Office Action Summary	Application No.	Applicant(s)	
	10/743,339	ZVER ET AL.	
	Examiner	Art Unit	
	Dru M. Parries	2836	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 21 February 2007.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-20 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION***Response to Arguments***

1. Applicant's arguments filed February 21, 2007 have been fully considered but they are not persuasive. In response to applicant's argument that Rossow is nonanalogous art, it has been held that a prior art reference must either be in the field of applicant's endeavor or, if not, then be reasonably pertinent to the particular problem with which the applicant was concerned, in order to be relied upon as a basis for rejection of the claimed invention. See *In re Oetiker*, 977 F.2d 1443, 24 USPQ2d 1443 (Fed. Cir. 1992). In this case, contrary to the Applicant's assertion, Rossow is particularly pertinent to the problem of "user interfaces." The Applicant argues that normally there is no user interaction with UPS systems during operation, however, Edevold (the main reference) teaches a user input in his UPS system to command a changeover from inverter mode to bypass mode (Col. 6, lines 58-60), therefore there is a particular need for "user interfaces" in Edevold's invention, and Rossow solves that problem. Edevold teaches user interaction with his UPS system, but doesn't teach the method of interaction between the user and the UPS system. Therefore, one would be inclined to look for a user interface method that would be beneficial to Edevold's invention and while looking for user interface methods one could come across the Rossow patent, which teaches a user interface apparatus that indicates to the user, based on the user's inputs, what mode of operation a device is in (whether it be a fork-lift or a UPS system).

2. In response to applicant's argument that there is no suggestion to combine the references, the examiner recognizes that obviousness can only be established by combining or modifying the teachings of the prior art to produce the claimed invention where there is some teaching,

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suggestion, or motivation to do so found either in the references themselves or in the knowledge generally available to one of ordinary skill in the art. See *In re Fine*, 837 F.2d 1071, 5 USPQ2d 1596 (Fed. Cir. 1988) and *In re Jones*, 958 F.2d 347, 21 USPQ2d 1941 (Fed. Cir. 1992). In this case, contrary to the Applicant's assertion, Edevold DOES teach that there is a need for an operator that knows the operating mode in which the system is working, because the operator has the ability to command a changeover to the bypass mode when in the inverter mode (Col. 6, lines 58-60), so the operator needs to know what mode the system is in at the current time. Also, regarding the argument that there is no motivation to provide indication of a transition between states, that argument is moot since the Edevold invention is already motivated to be modified with the Rossow method of indication to inform the user as to which state the system is in, and due to that modification it inherently teaches intermittent actuation of the second indicator during at least a portion of the first transition sequence. The modification has already been shown to have been motivated, so no motivation is needed for an inherent feature of the modification. In addition, one could argue that the motivation to cause intermittent actuation of the second indicator is to inform the user that the system is in the first transition sequence.

3. Regarding claim 17, Edevold teaches a first transition sequence in which the first switch changes to the open position and after that the second switch changes to the closed position (Col. 6, lines 60-67; teaches "break before make"). The Examiner agrees that Col. 8, lines 29-55 of Edevold is vague as to which happens first, the inverter being disabled or the first switch being opened, however, Edevold teaches that the switching sequences (from inverter to bypass mode and from bypass to inverter mode) are just the reverse of one another (Col. 4, lines 1-3), and that when the system is switched from bypass mode to inverter mode the first switch closes before

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the inverter is enabled (Col. 8, lines 65-67; Col. 9, lines 1-17), that would mean that when the system is changed from inverter mode to bypass mode the inverter is disabled before the first switch opens, and also, due to the "break before make" method of this system, it is inherent that the first switch opens before the second switch closes.

4. Applicant's arguments, see page 3, filed February 21, 2007, with respect to the Disclosure have been fully considered and are persuasive. The objection of the Abstract has been withdrawn.

Claim Rejections - 35 USC § 103

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. Claims 1-20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Edevold et al. (6,292,379) and Rossow et al. (6,923,285). Edevold teaches an arrangement providing power to an electrical device comprising an inverter (20), first switch (64, i.e. relay), a second switch (22), a utility power line source (16), and a bypass controller (24) (Fig. 5). He teaches the controller causing a first transition sequence (FTS), in response to an overcurrent condition in the inverter or via a user input, where the first switch changes to an open position and subsequently the second switch changes to a closed position. He further teaches that during the FTS the inverter is discontinued before the first switch is opened. He also teaches the controller causing a second transition sequence (STS) where the second switch opens subsequent to the first switch closing. He also teaches the controller enabling the inverter to operate again after the first switch

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is closed. He also teaches the controller continually sensing the input voltage (information) of the utility. He also teaches the inverter having switches utilizing a half bridge topology to output a precise AC output to the load (inherent that it would use a variable frequency drive). (Col. 6, lines 43-45, 52-55, 58-60; Col. 8, lines 29-67; Col. 9, lines 1-23). Edevold fails to teach indicators and indicia when the arrangement is in certain operating modes. Rossow teaches LED indicators and indicia (Fig. 3B) for indicating operating modes in a power system. He goes on to teach certain LEDs being illuminated when certain switches are closed (certain operating modes) (Col. 12, lines 26-38). It would have been obvious to one of ordinary skill in the art at the time of the invention to use LEDs and indicia in Edevold's invention so that the operator will know the operating mode in which the system is working in. Therefore, when the first switch is closed (i.e. in inverter power state), an LED is continuously lit with matching indicia; same with when the second switch is closed (i.e. in utility power bypass state). During transition mode, the first LED will be on, and then turn off (when the first switch is opened), and the second LED will be off, and then turn on (when the second switch is closed) (intermittently).

Conclusion

THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37

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CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

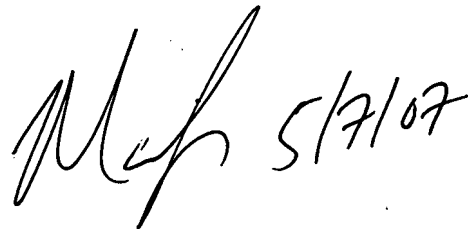
Any inquiry concerning this communication or earlier communications from the examiner should be directed to Dru M. Parries whose telephone number is (571) 272-8542. The examiner can normally be reached on M-Th from 9:00am to 6:00pm. The examiner can also be reached on alternate Fridays.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Michael Sherry, can be reached on 571-272-2800 x36. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

DMP

5-1-2007

A handwritten signature in black ink, appearing to be 'M. Sherry', followed by the date '5/7/07'.

MICHAEL SHERRY
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2800